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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/608,624	06/30/2000	Stephen Jourdan	2207/8609	2207/8609 9451	
23838 7.	590 03/17/2005		EXAMINER		
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			TSAI, HENRY		
			ART UNIT	PAPER NUMBER	
			2183	2183	
			DATE MAILED: 03/17/2009	DATE MAILED: 03/17/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.	Applicant(s)		
09/608,624	JOURDAN ET AL.		
Examiner	Art Unit		
Henry W.H. Tsai	2183		

The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED On March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE  1. □ The reply was filed after a final rejection, but prior to filing a holice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavil, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appea file pin compliance with 3 or 76 FA 1.31 or (3) a Request for Continued Examination (RCE) in compliance with 3 77 FA 1.14. The reply must be filed within one of the following time periods:  a) ☑ The period for reply expires 2 months from the mailing date of the final rejection.  b) ☐ the period for reply expires 2 months from the mailing date of the final rejection.  b) ☐ the period for reply expires 2 months from the mailing date of the final rejection.  c) ☐ The repriod for reply expires 2 months from the mailing date of the final rejection.  c) ☐ The period for reply expires 2 months from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the maling date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than 6 months of the final rejection will be replaced and the corresponding amount of the final repection will be final formed to the final final rejection will be final fi	Advisory Action	09/608,624	JOURDAN ET AL.					
THE REPLY FILED OB March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  I The reply was filed after a final rejection, but prior to filing a holice of Appeal. To avoid abardonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a holice of Appeal (with appeal fee) in compliance with 37 CFR 1.314; (7) (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a)	Before the Filing of an Appeal Brief	Examiner	Art Unit					
THE REPLY FILED 04 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. □ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely life one of the following replies: (1) an amendment, affidival, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.3.1. or (3) a spiciant in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.3.1. or (3) a page feel of the period of reply expires 3 ments from the malling date of the final rejection.  a) □ The period for reply expires 3 ments from the malling date of the final rejection.  b) □ The period for reply expires 3 ments from the malling date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for The FINAL RELECTION. See MFEP 705.07(1).  Estentions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 checked. Any reply received by the Office later has browned abundance of for reply be feel in the final rejection.  NOTICE of APPEAL  □ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal has been filed. any reply was filed after a final rejection, but prior to the date of filing an appeal brief. The Notice of Appeal has been filed. any reply must be filed within two months of the date of thing the Notice of Appeal has been filed. any reply must be filed within two months of the date of thing the Notice of Appeal has been filed. any reply must be filed within two months of the date of thing the Notice of Appeal has been filed. any reply must be filed within the time period set forn in 37 CFR 41.37(a).  The proposed amendment(s) filed after a final rejec	:	Henry W.H. Tsai	2183					
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the period for reply expires on. (1) the mailing date of this Advisory Action, or. (2) the date set forth in the final rejection, whichever is later statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: (If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 706 507(f).  Extensions of time may be obtained under 37 CFR 1.13(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of destiners and the corresponding amount of the fice. The appropriate extension fee have been filed is the date for purposes of determining the period of destiners and the corresponding amount of the final Office action: or (2) as set forth in (b) above, if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any barned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. ☐ The reply was filed after the date of filling a Notice of Appeal, but prior to the date of filling an appeal brief. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filling the Notice of Appeal and See and Filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  In the proposed amendment(s) filed after a final rejection, but prior to the date of filling a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d)	The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following							
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Examiner Note; If box 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 766 007(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the final Office action; or (2) as set forth in (b) considered from: (1) the expiration date of the final date of the final rejection, even if timely filed, may reduce any searned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (e), but prior to the date of filing an appeal brief. The Notice of Appeal and See filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMEDIANTS  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  4 The amendments are not in compliance with 37 CFR 1.121. See attached holice of Non-Compliant Amendment (PTOL-324).  5 Applicant's reply has overcome the following rejection(s): 35 USC 1.12 2 <sup>rd</sup> Paragraph.  5 Nevely proposed or amended claims)				er is later. In no				
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was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3.	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
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<ul> <li>Applicant's reply has overcome the following rejection(s): 35 USC 112 2<sup>nd</sup> Paragraph.</li> <li>Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 4-7,9-15,17-19,23-27 and 41-43. Claim(s) objected to: 3,22,30 and 40. Claim(s) rejected: 1,2,16,20,28,29,38 and 39. Claim(s) withdrawn from consideration:</li> <li>AFFIDAVIT OR OTHER EVIDENCE</li> <li>The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</li> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Applicant's arguments filed 3/4/05 have ben fully considered but they are not deened to be persuasive. As indicated in the fina rejection mailed 1/4/05, Agarwal'541 teaches the claimed invention.</li> <li>Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTQ-1449) P</li></ul>			ompliant Amendment	(PTOL-324).				
the non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 4-7,9-15,17-19,23-27 and 41-43. Claim(s) objected to: 3,22,30 and 40. Claim(s) rejected: 1,2,16,20,28,29,38 and 39. Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  Applicant's arguments filed 3/4/05 have ben fully considered but they are not deened to be persuasive. As indicated in the fina rejection mailed 1/4/05, Agarwal'541 teaches the claimed invention.								
how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: 4-7,9-15,17-19,23-27 and 41-43.  Claim(s) objected to: 3,22,30 and 40.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  3. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. ☑ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  Applicant's arguments filed 3/4/05 have ben fully considered but they are not deened to be persuasive. As indicated in the final rejection mailed 1/4/05, Agarwal'541 teaches the claimed invention.  12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTQ-1449) Paper(♠(s)	6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling							
Claim(s) allowed: 4-7,9-15,17-19,23-27 and 41-43. Claim(s) objected to: 3,22,30 and 40. Claim(s) rejected: 1,2,16,20,28,29,38 and 39. Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  Applicant's arguments filed 3/4/05 have ben fully considered but they are not deened to be persuasive. As indicated in the final rejection mailed 1/4/05, Agarwal'541 teaches the claimed invention.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTQ-1449) Paper (ms).	7. A For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro		vill be entered and an	explanation of				
Claim(s) objected to: 3,22,30 and 40. Claim(s) rejected: 1,2,16,20,28,29,38 and 39. Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  Applicant's arguments filed 3/4/05 have ben fully considered but they are not deened to be persuasive. As indicated in the fina rejection mailed 1/4/05, Agarwal'541 teaches the claimed invention.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1448) Paper (s)								
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13. Other:  HENRY W. H. TSAI 3/15/05  PRIMARY EXAMINER	12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08 or PTQ-1448) Paper(						
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		PRIMARY	Y EXAMINER					

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